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THE CONSTITUTION OF KENYA

THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION ACT

(No. 9 of 2011)

THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTIONS (GENERAL) REGULATIONS, 2012

PARLIAMENTARY BY- ELECTION FOR MEMBER OF THE SENATE,
MACHAKOS COUNTY SCHEDULED TO BE HELD ON 23RD MARCH, 2021

IN EXERCISE of powers conferred by Articles 85, 88(4), 98(1)(a), 99, 101(4) and 103(1)(a) of the Constitution of Kenya, sections, 5 (1) (b), 13(3), 16, 24, 26, 30, 32, 33, 38, 38A, 43(5A) and 74 of the Elections Act, 2011 and Regulations 11(4),12(1), 13B and 14, Parts III and IX of the Election (General) Regulations, 2012, the Independent Electoral and Boundaries Commission gives notice that:

- (a) Following declaration of vacancy that occurred in the office of Member of the Senate for Machakos County confirmed by the Speaker of the Senate *vide* a letter dated 23rd December, 2020, there shall be a by-election for Member of the Senate for Machakos County on Tuesday, 23rd March, 2021.
- (b) Each political party intending to participate in the by-election shall submit the names of the persons contesting in a party primary and the date of the party primary on or before Monday, 4th January, 2021.
- (c) A public officer who intends to contest in the by-election shall resign from public office within seven (7) days of the declaration of the vacancy by the Speaker.
- (d) The Commission shall publish, in the *Gazette*, the names of the persons contesting in a party primary and the date of the party primary within seven (7) days of receipt of the names of the candidates.
- (e) Candidates intending to participate in the by-election as independent candidates shall not have been members of any political party at least three (3) months immediately before the date of the by-election.

- (f) Political parties intending to present candidates in this election shall, after its primaries resolve all intra-party disputes and submit the list of persons nominated to contest in this election to the Commission on or before Monday, 18th January, 2021.
- (g) Political parties intending to present candidates in this election through direct nominations shall submit the list of persons nominated to contest in this election to the Commission on or before Monday, 18th January, 2021.
- (h) Candidates intending to participate in this election as independent candidates shall submit their names and symbols that they intend to use during the by-election for purposes of nomination of independent candidates to the Commission on or before Monday, 4th January, 2021.
- (i) The Commission shall publish in the *Gazette*, the names and symbols of persons intending to contest in the election as independent candidates at least fourteen (14) days before the nomination day.
- (j) The days for the nomination of political party candidates and independent candidates for the by-election shall be on Monday, 25th January, 2021 and Tuesday, 26th January, 2021 and the nomination papers shall be delivered by the candidates to the respective Returning Officer between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon at the place designated by the Commission.
- (k) Disputes relating to or arising from nominations shall be determined within ten (10) days of the lodging of the dispute with the Commission in any event not later than Thursday, 4th February, 2021.
- (l) The campaign period for purposes of the Tuesday, 23rd March, 2021 by-election shall commence on Monday, 25th January, 2021 and cease on Saturday, 20th March, 2021 being 48 hours before the by-election day.
- (m) The Campaign time shall run from 7.00 a.m. to 6.00 p.m. during the campaign period.
- (n) Political parties and Independent candidates shall appoint and submit to the Commission the names of their Constituency Elections Agents to the Commission on or before Tuesday, 9th March, 2021

(o) The registration and revision of the register of voters for the said electoral areas is suspended until Tuesday, 6th April, 2021

(p) If the elections are contested, the poll will take place on Tuesday, 23rd March, 2021.

NOTES:

1. The attention of candidates and persons subscribing nomination papers is drawn to the provisions of Parts III, V, VIII and IX of the Election (General) Regulations, section 13(2) and the First Schedule to the Leadership and Integrity Act, 2012 and Chapter Six of the Constitution of Kenya.

2. Every political party, candidate and every person who participates in the election shall subscribe to and observe the Electoral Code of Conduct set out in the Second Schedule to the Elections Act, 2011.

3. A person guilty of an election offence will be liable to the penalties imposed by the Election Offences Act, 2016 (No. 37 of 2016), the disqualifications imposed thereof and the Constitution of Kenya.

4. The attention of candidates and political parties is drawn to the provisions of section 43(5A) of the Elections Act, 2011.

5. The attention of candidates is drawn to the provisions of section 26 of the Elections Act, 2011.

6. The attention of political parties, candidates and every person who participates in the election is drawn to section 2 of the Elections Act, 2011 on the campaign period.

Dated the 28th December, 2020.

W.W. CHEBUKATI,
Chairperson,
Independent Electoral and Boundaries Commission.